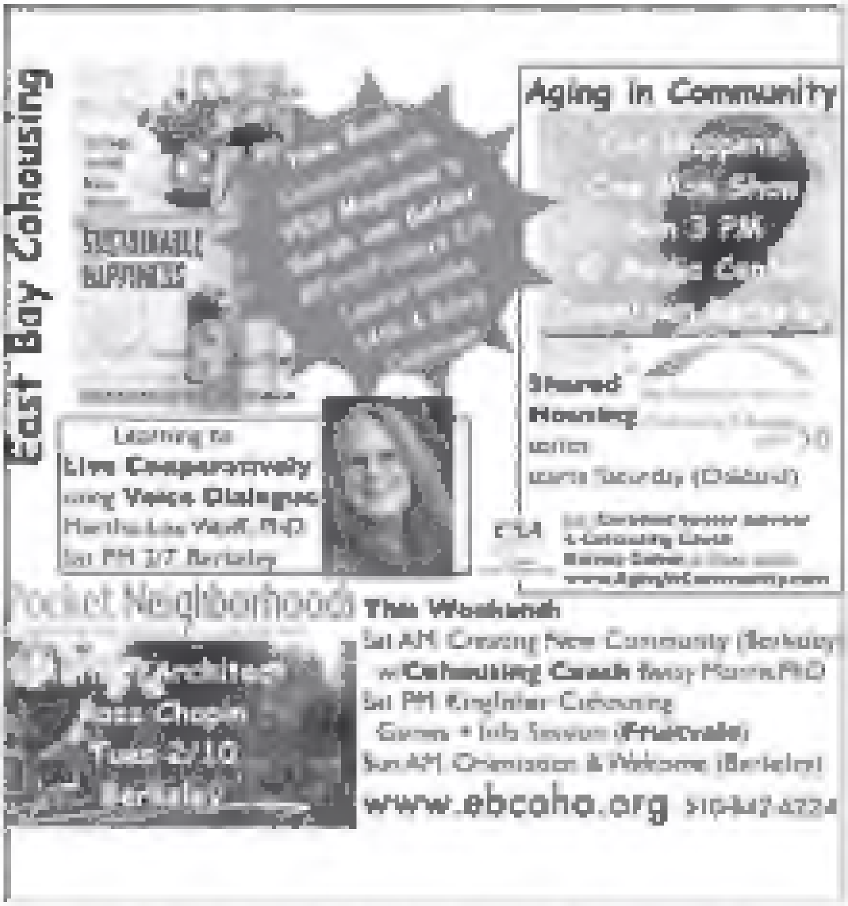
EAST BAY EXPRESS



Radically Sharing Temescal

A group of artists, hackers, and other creative people have launched Omni Commons, a new community resource center in North Oakland that they hope will be an antidote to gentrification.

By Julian Mark





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EAST BAY EXPRESS

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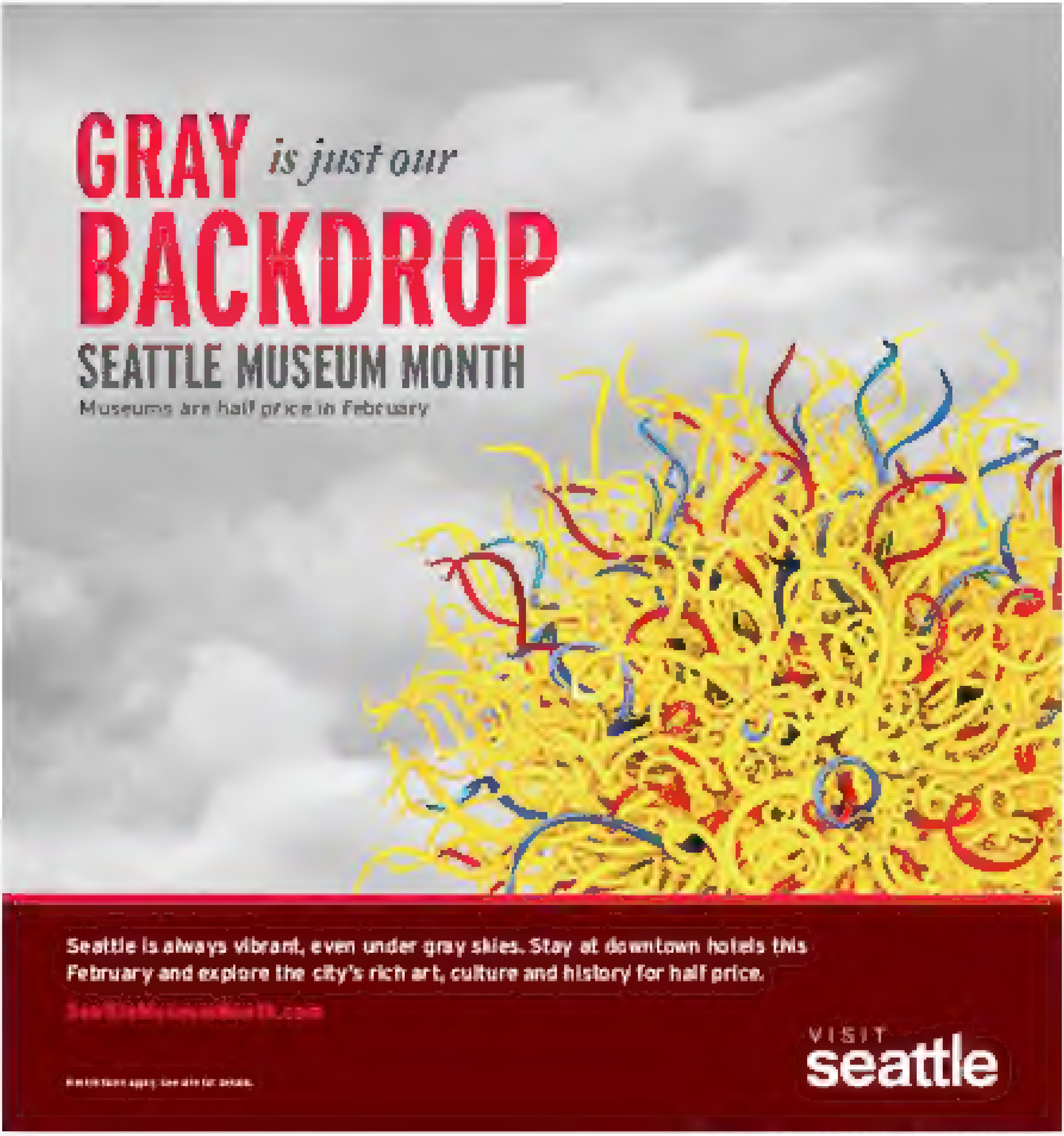
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LETTERS

The County Is Shirking Its Responsibility

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Newly Arrived Oaklanders Should Recruit Longterm Residents into Their Entrepreneurial Projects

How Fracking Changes Everything

From seismology to geopolitics to Wall Street to major-league sports to the biggest divorce settlement in US history, fracking affects nearly every facet of our lives.

By Peter Dykstra

[illegible]



It's Time to Raise Gas Taxes

Plunging oil prices have even convinced some Republicans that raising gas taxes to pay for infrastructure and roadway repairs is a good idea.

By Robert Gammon

Three-Dot Roundup

West Oakland Councilmember Involved in Another Questionable Real Estate Deal

Public records show that Lynette Gibson McElhaney loaned money to her sister in an apparent house-flipping scheme in Oakland that also involved her nonprofit's business partner.

By Darwin BondGraham

A recent real estate deal in Oakland's Crocker Highlands neighborhood is raising new questions about potential conflicts of interest in financial transactions involving city council President Lynette Gibson McElhaney, her nonprofit, Richmond Neighborhood Housing Services, and her family members. According to public records, Gibson McElhaney's sister, Andrea Gibson Noble, who appears to be unemployed, purchased a five-bedroom home for $860,000 in December 2013, thanks to a loan for that same amount from a Nevada private lending company, Pacific Private Money. Then, after Gibson McElhaney and her nonprofit's business partner Nakatomo Acquisitions also loaned more cash to Gibson Noble to pay for renovations on the home, Gibson Noble sold the Crocker Highlands home in December 2014 for $1.28 million — a $420,000 markup in twelve months.

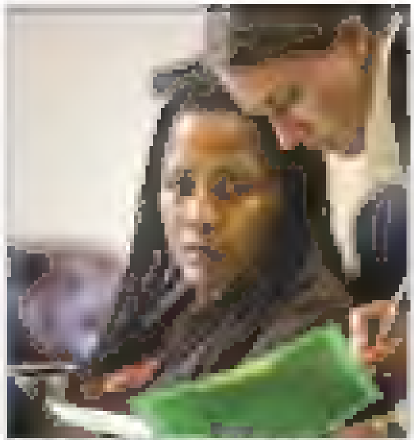
The apparent house-flip was at least the second questionable deal involving the West Oakland councilmember and her sister. Last month, the *Express* reported that Gibson Noble had invested in a house-flipping transaction alongside Gibson McElhaney's nonprofit. That deal also involved financing arranged through Pacific Private Money by Nakatomo Acquisitions and its principal, Richard Ruse. Gibson McElhaney's involvement in house-flipping deals in Oakland runs counter to speeches she has made about the dangers of real-estate speculation and gentrification in the city (see "West Oakland Councilmember Involved in House-Flipping Scheme," 12/17/14).

In an interview, Gibson McElhaney said she did not know that when she loaned her sister $60,000 in April of last year that her sister would sell the house eight months later at a 50 percent markup. Gibson McElhaney said the loan was to help her sister remain in the house, and that she believed her sister bought the home to live in it.

However, Mark Hurd, the former president of Pacific Private Money, said in an interview that it was his understanding that Gibson Noble had originally purchased the property as an investment, and that she intended to fix up the home and sell it for a profit. It's also unclear how Gibson Noble could have stayed in the house and repaid the $60,000 loan to her sister at a time when she apparently had no income. Gibson Noble did not respond to requests for comment.

Regarding the earlier Oakland house-flipping deal, involving a home on Apple Street in North Oakland, Gibson McElhaney told the *Express* last month — and again earlier this week — that she also did not know her sister had invested alongside the councilmember's nonprofit in the transaction. That deal also was spearheaded by Nakatomo Acquisitions. "She should have disclosed to me that she was an investor in Nakatomo," Gibson McElhaney said on Monday of her sister. "I should have been more thorough."

However, public records related to the purchase and sale of that Apple Street home show that Gibson Noble listed her sister's West Oakland home address in 2013 as her own address — meaning that all the records pertaining to Gibson Noble' investments with Nakatomo were being sent to Gibson McElhaney's house. Ruse and Nakatomo also later became involved in the Crocker Highlands deal, having loaned Gibson Noble $96,000 in January 2014. In addition, Gibson McElhaney's loan to her sister occurred at a time when the councilmember still had not paid her federal income taxes from 2010, 2011, and 2012.



Lynette Gibson McElhaney. BERT JOHNSON/FILE PHOTO

Gibson McElhaney also had previously acknowledged to the *Express* that it was her sister who had introduced her originally to Ruse and Nakatomo. As the *Express* reported last month, Gibson McElhaney's nonprofit, Richmond Neighborhood Housing Services, signed a partnership agreement with Ruse and Nakatomo for house-flipping deals in Oakland. Gibson McElhaney and officials from her nonprofit say they plan to use the proceeds from the market-rate real-estate investments to help finance affordable housing for veterans.

But Gibson Noble's involvement in a deal alongside her sister's nonprofit created potential conflicts of interest because Gibson Noble stood to make a profit from Richmond Neighborhood Housing Services' business dealings. The web of deals involving the councilmember, her sister, Nakatomo, and Pacific Private Money also raise questions about Gibson McElhaney mixing personal business with her professional duties as executive director of a nonprofit. According to the IRS, the potential for a conflict of interest arises when a nonprofit executive has a financial interest "directly or indirectly, through business, investment, or family" in a transaction or arrangement involving their nonprofit. Any transactions like this must be formally scrutinized by a nonprofit's board of directors to ensure that the organization isn't being taken advantage of to enrich the organization's officers or their family members. Ultimately, the point of the law is to protect federal and state taxpayers who subsidize nonprofits with tax-exempt status — and in the case of Richmond Neighborhood Housing Services, hundreds of thousands of dollars in taxpayer-funded grants over many years.

The Richmond Neighborhood Housing Services board of directors conducted an internal review of the matter in early December and determined that there was no violation of the organization's conflict-of-interest policies. There is no evidence, however, that an independent examination has been undertaken. Gibson McElhaney said such deals involving her sister "will not happen in the future. Nakatomo has given us assurances to that."

Gibson McElhaney, however, also acknowledged that she knew that Ruse of Nakatomo had helped her sister find the Crocker Highlands home. She said Ruse then helped Gibson Noble financially when the property became financially burdensome for her sister. "This is the one thing that we knew [Richard Ruse] was doing with her," said Gibson McElhaney. "But she did not borrow money from [Nakatomo] to purchase the house, she borrowed money from Nakatomo to help her with saving and securing the property when it was clear she was over-leveraged and could not stay in it."

Monica Reynolds, president of Richmond Neighborhood Housing Services' board of directors said that she was unaware of Gibson McElhaney's loan to her sister. "I have no knowledge about what Lynette and her sister do as a family, no knowledge of Lynette being an investor in her sister's property."

Records show that the son of Gibson Noble' ex-husband, Eric Noble, a Bay Area contractor for Richmond Neighborhood Housing Services, also loaned money to her for the Crocker Highlands deal.

Jan Masaoka of the California Association of Nonprofits said proactive disclosure of potential conflicts is crucial to ensure a nonprofit stays within the law. "These kind of transactions like these for nonprofits, they're not prohibited, but they have to be disclosed, and people who have conflicts of interest have to disclose them to their boards." ◆

Send tips to darwin.bondgraham@eastbayexpress.com

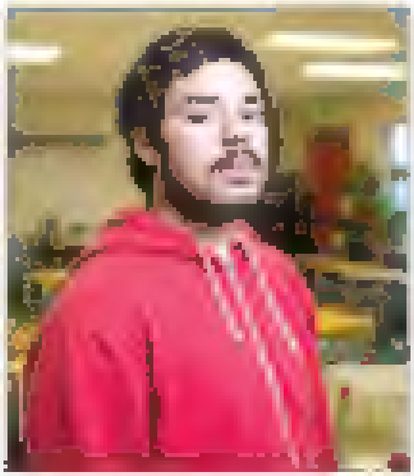
A New Era for Charter Schools?

Private charter operators could soon take over five struggling schools in Oakland — and reap the benefits of a new parcel tax aimed at boosting public high schools.

By Sam Levin

Ji Lee, a longtime teacher at Fremont High School in East Oakland, knows firsthand how desperately her school needs more funding to support struggling students. But last November, when it was time to vote for Measure N, a parcel tax to generate revenue for public high schools and support college-readiness programs, she decided against it. That's because the proposal was written so that charter schools — which are public, but run by private organizations — could also benefit from the funding.

"I thought it was very unfair that they took advantage of the fact that voters want to support schools," said Lee. "A lot of people that I spoke to that voted yes on Measure N didn't even know charters were included."



[illegible]

Lee's fears about the parcel tax supporting charter schools have since escalated in a way she never could have predicted when Measure N passed by a wide margin last fall. Her new concern stems from a controversial decision this month by the Oakland Unified School District (OUSD) to transform five struggling public schools, including Fremont High, by allowing outside charter organizations to submit proposals to take them over. That means that by 2016, a private charter operator could be running Fremont High with funding support from Measure N — the kind of financial boost the school's current staffers have sought for years.

OUSD's so-called "Intensive Support Schools Initiative" has sparked a significant backlash and has deepened the debate in Oakland over the proliferation of charter schools, which currently enroll 25 percent of all public school children in the district. Under the direction of the new Superintendent Antwan Wilson, who had led similar turnaround efforts in Denver that resulted in charter takeovers, OUSD next month will release requests for proposals (RFPs) for five low-performing district schools. Both charter organizations and current teachers at the schools can submit proposals in this process. In June, the Oakland school board, based on the district's recommendations, will select the winning proposals (which will go into effect in fall 2016).

In addition to Fremont High, OUSD is issuing RFPs for McClymonds High School (in West Oakland) and Castlemont High School, Frick Middle School, and Brookfield Elementary School (which are all in East Oakland). Proposals are due in May.

Over the last two weeks, students, teachers, education activists, and families have strongly criticized the plan as an irresponsible move to effectively close existing schools and privatize public education. At the very least, they say the RFP process will dramatically disrupt school communities that OUSD has repeatedly failed to support and further discourage parents from enrolling their students at these schools.

Opponents of charter schools argue that they lack accountability, treat teachers poorly (they aren't unionized), and avoid enrolling the most disadvantaged and troubled students. But charter proponents argue that they create more choices for families and can tailor public education in ways that traditional schools can't. Leaders on both sides of the issue have said that OUSD, under Wilson's leadership, now seems more open to charter schools than the district has been in the past.

Charter debates aside, everyone agrees the five selected schools are in need of reform and intensive support. The 2012-13 graduation rates of the three high schools were well below the average OUSD high school graduation rate of 77 percent — 57 percent at Fremont, 60 percent at Castlemont, and 67 percent at McClymonds.

Over the last three years, Fremont and Castlemont have both also consistently had significantly below-average tenth-grade test scores (although McClymonds has generally been aligned with the OUSD average in this category). The suspension rates at these three high schools are also notably higher than district-wide rates. At Frick and Brookfield, the percentage of students reading at grade level falls well below the OUSD average.

District officials have insisted that



the RFP process is not about expanding charter organizations — which can submit proposals to OUSD at any time — but is about coming up with innovative plans to improve the schools. However, if charter organizations end up taking over one or more of the five existing district schools, it would be unprecedented. "It's a sea change in the district's relationship with charters," said Trish Gorham, president of the Oakland Education Association, the teachers' union, which has strongly criticized the Intensive Support Initiative.

Public-school advocates say charters will have an advantage in the RFP process. For starters, outside organizations would generally have more time and resources to prepare proposals than the schools' current staffers, who are busy with their day-to-day work. What's more, charter advocates — who have applauded the Intensive Support Initiative — have increasing political influence in the district.

For example, Oakland Families for Quality Schools (OFQS), the local charter advocacy group that partners with the California Charter Schools Association, donated $10,000 to the Measure N campaign last year. And two of the three candidates that the charter group endorsed in last year's school board race — Nina Senn and Aimee Eng — now serve on the school board. Great Oakland Public Schools, an education advocacy group that includes charter and district representatives, also provided support to Measure N (and endorsed the same board candidates as the charter association).

Charter school advocates are also pleased by Wilson's move. Kate Nicol, OFQS chair and the current head of school at Vincent Academy, a charter elementary school, praised the superintendent for targeting underperforming schools. "Charter schools in Oakland for the most part have arisen because there has been a longstanding problem with quality schools in Oakland," she said. She further noted that Wilson seemed to be ushering in "a different era" in OUSD's relationship with charter organizations, referencing a productive discussion last November between Wilson, senior OUSD officials, and charters. "The tenor of the meeting was really positive and really collaborative."

But longtime teachers and community members at the five struggling schools argue that if charters do take over, it could mean the removal of experienced educators who would be in the best position to help oversee the implementation of Measure N. It could also mean losing teachers who have a deep understanding of the specific populations that the schools serve.

"These young people are traumatized in ways you can't imagine," said Pamela Arabia, director of the Mandela Law and Public Service Academy at Fremont High, where she has taught since 1999. She said she fears that charters would potentially limit the number of students with disabilities or special needs served by the school — and get away with it, because charters aren't subject to the same scrutiny and oversight as district-run schools.

In addition to concerns about Measure N, Arabia said she was worried about the fate of Measure J, a bond measure that voters passed in 2012 to fund facilities upgrades at Fremont High and other schools. Though it has been two years since the measure passed, the district has not yet spent any of the Measure J money on much-needed infrastructure projects at Fremont High. That means if an outside charter operator wins the RFP process, the organization could potentially end up reaping the benefits of Measure J, too.

Arabia further argued that Fremont High is currently making progress in a number of critical areas, including expanding its enrollment in Advanced Placement courses, and boosting improved AP test scores for young men of color — gains that she fears could be interrupted by OUSD's turnaround initiative.

Increased district investments in Fremont High are long overdue, said seniors Louis Pina and Angel Carrasco, who both spoke out against OUSD's process at last week's school board meeting. In interviews, the students cited the need for more guidance counselors, improved course offerings, more books, and functioning technology.

"I feel like they've left us here high and dry without anything, and our teachers have been making miracles happen with keeping up the school," said Pina, a seventeen-year-old East Oakland resident. "As the school district, it's their responsibility to provide us with what we need. ... We don't need them to put our school on the market."

Carrasco, also seventeen, added that he thinks it's unfair that longtime Fremont High teachers may have to compete to keep their jobs through the RFP process. "They have as much Fremont pride as we do."

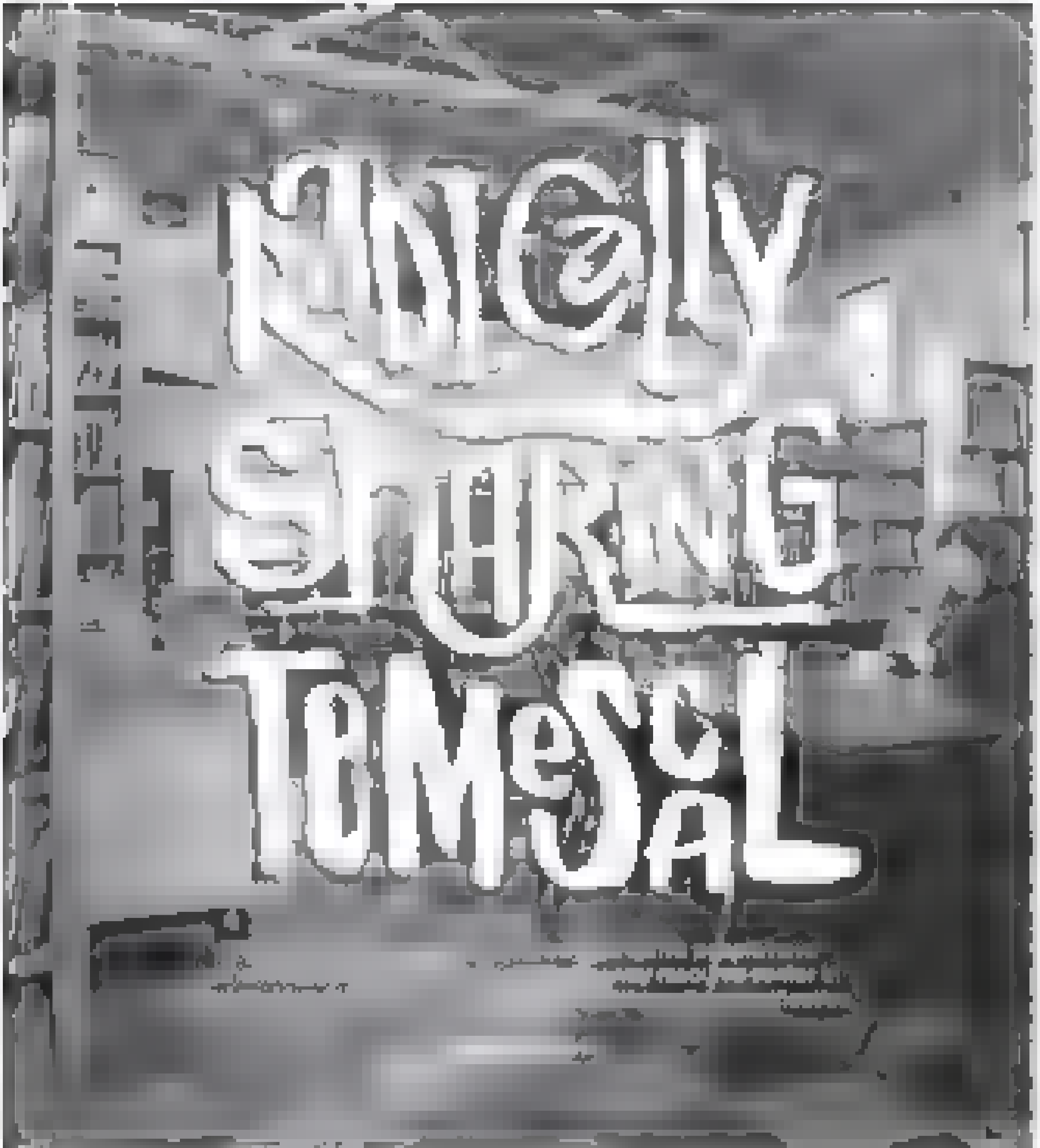
At a McClymonds High meeting last week, parents and alumni similarly lashed out at OUSD officials, saying the district had neglected the school for years and was now adopting a thinly veiled pro-charter agenda. Some parents passed out documents showing how McClymonds, which has suffered from declining enrollment, has in recent years offered dramatically fewer courses and AP options compared to other OUSD high schools.

"How is this time going to be different?" said Missy Cross, a McClymonds alumnus whose son is now in tenth grade at the school. "My biggest concern is that these kids are not getting an equal education." Shalonda Wright, also a McClymonds alum whose son is a senior at the school, said it seemed like the community engagement process was just for show. "I think a plan is already in motion and this is just pretend."

Troy Flint, OUSD spokesperson, said in an interview that the district would provide support, including roughly $10,000 each, to the five schools, to help them prepare their proposals. He also argued that charters were disadvantaged in the RFP process, because the outside organizations won't have the same knowledge of internal school issues.

"We're doing this because we think it's necessary to get better results," Flint said. "The focus is on choosing a solution that provides better outcomes. It's not who provides the solution, it's about the merits of the idea."

Sam.Levin@EastBayExpress.com



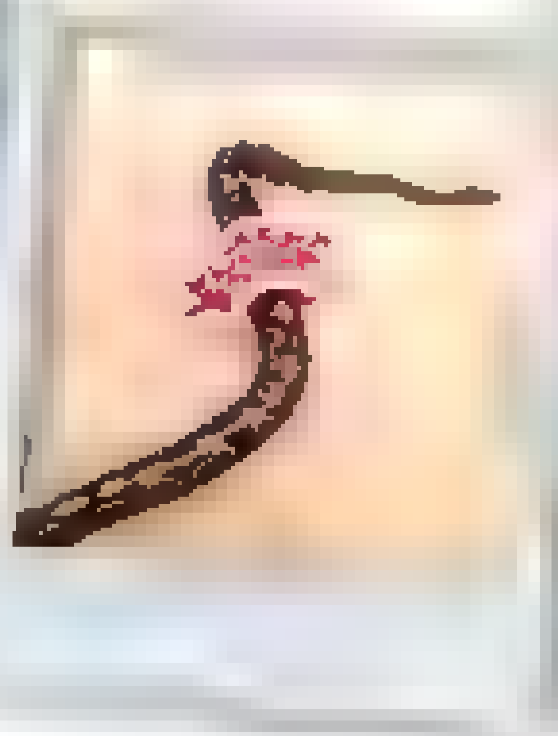


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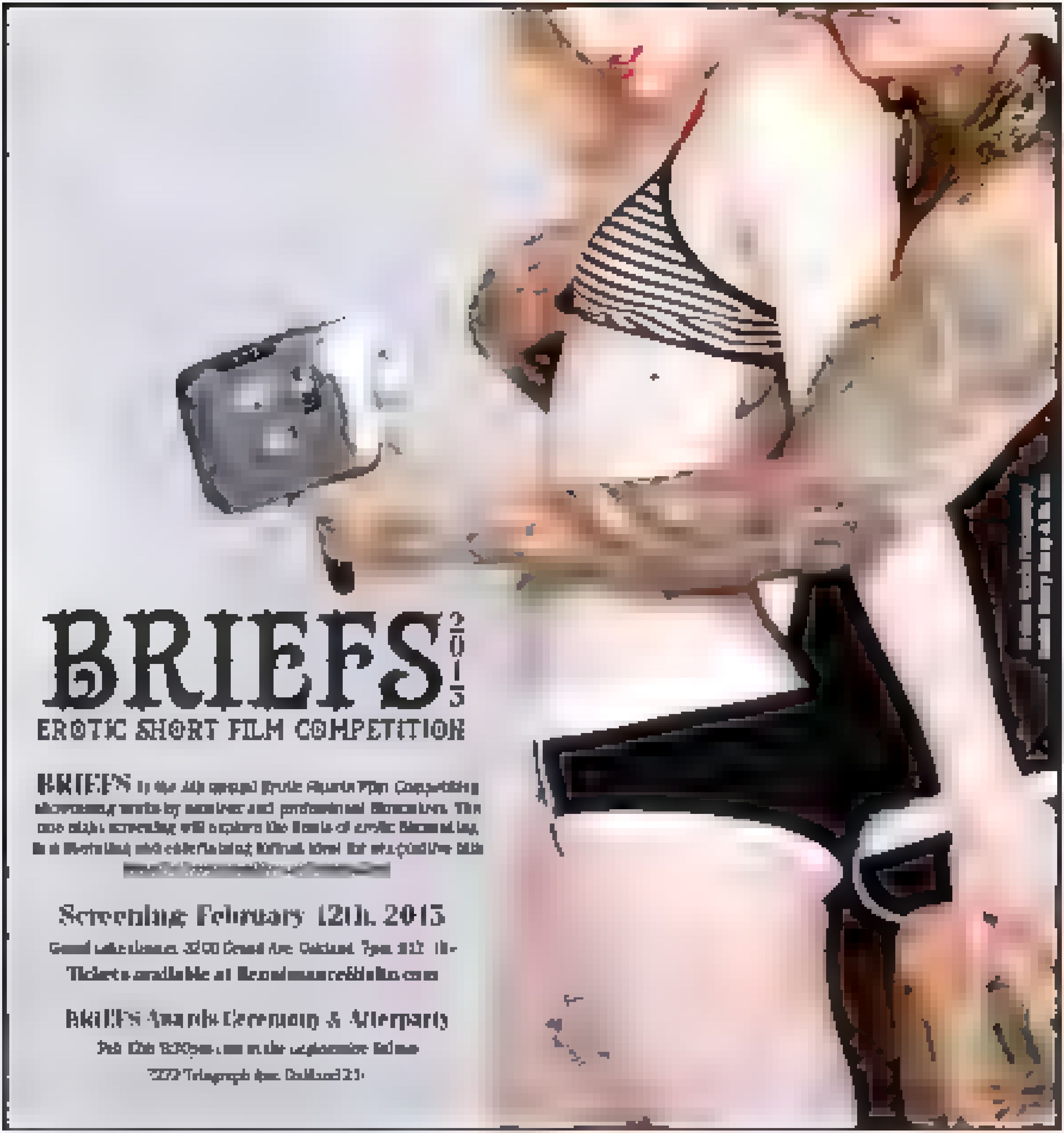






"I guess 'radical' in the sense of getting to the root word of the thing, which is just sharing — not sharing in the guise of some startup corporate bullshit."




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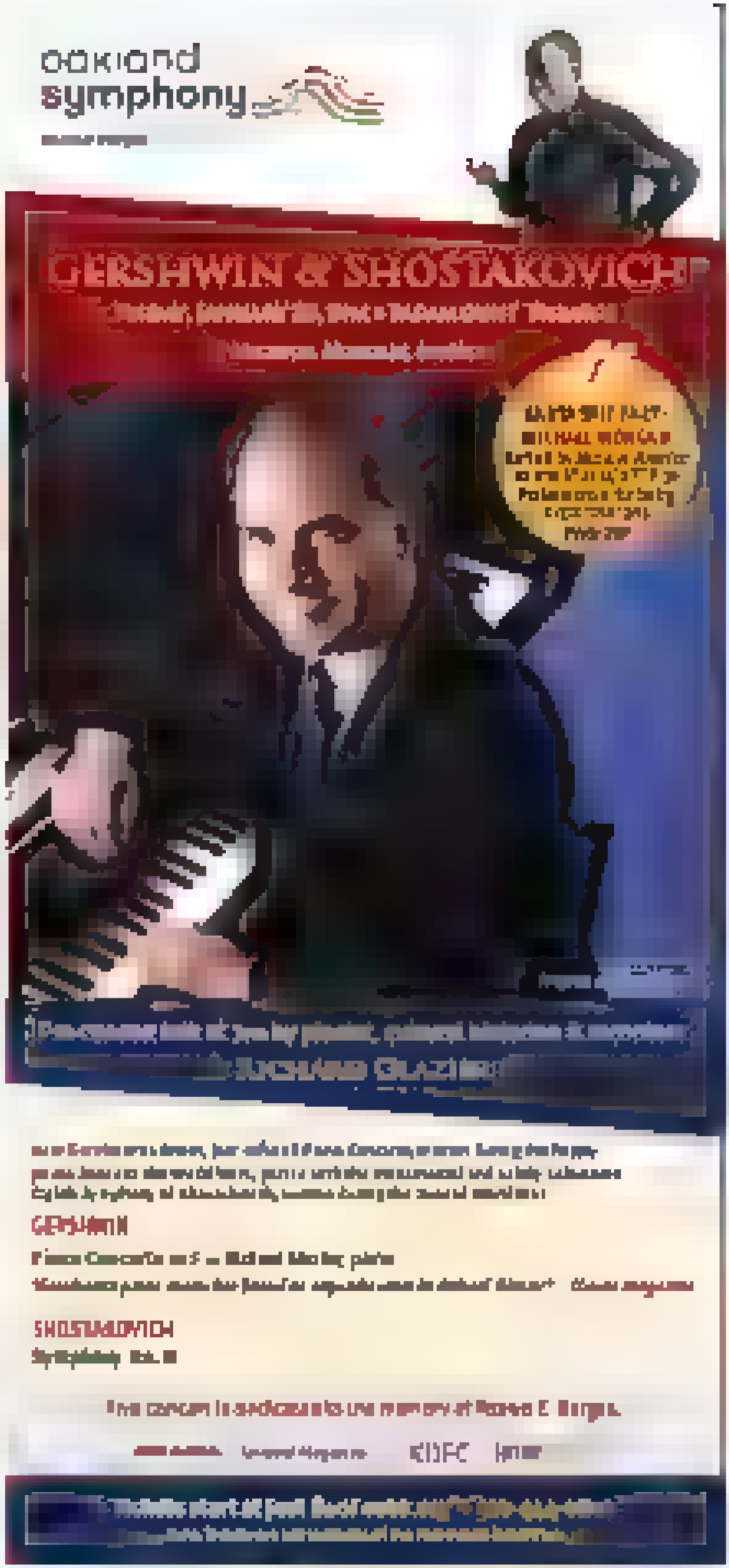




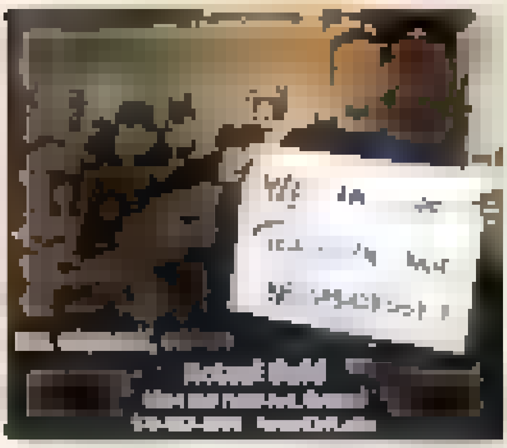



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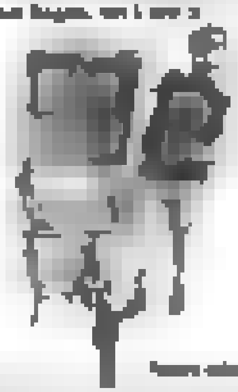
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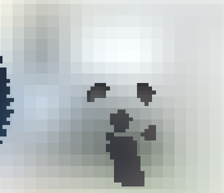


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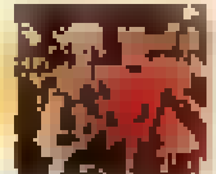

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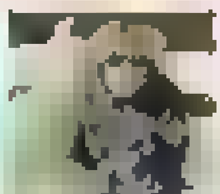
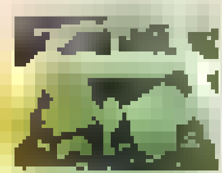

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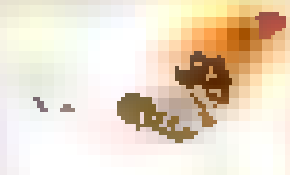













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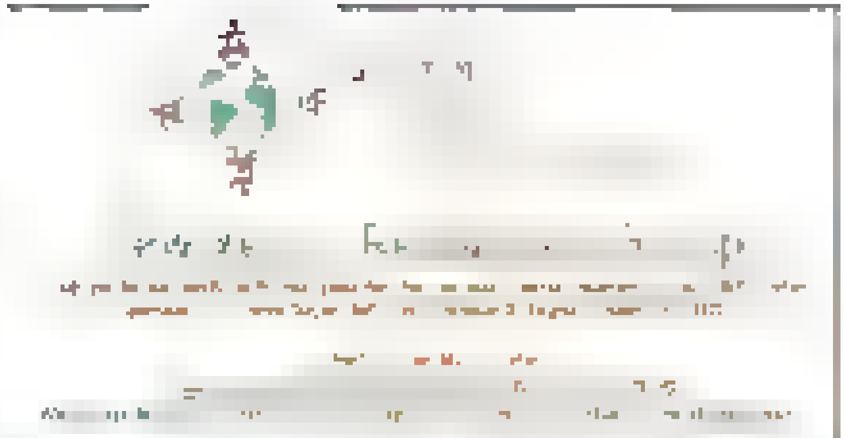
Alhambra's *Barefoot in the Park* shines a humorous light on Americans' ordinary foibles.

By Anna Pulley



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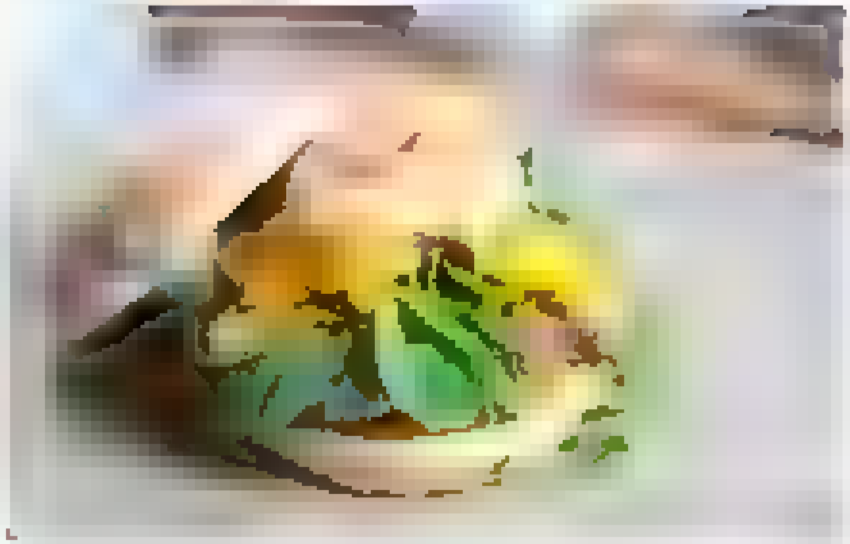




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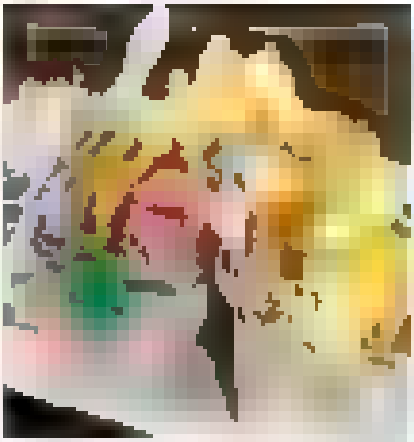
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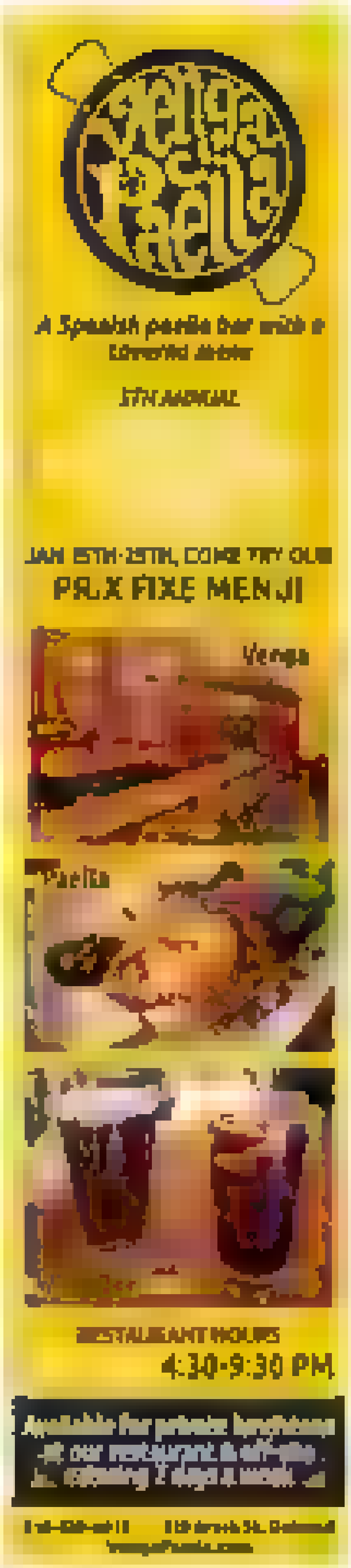

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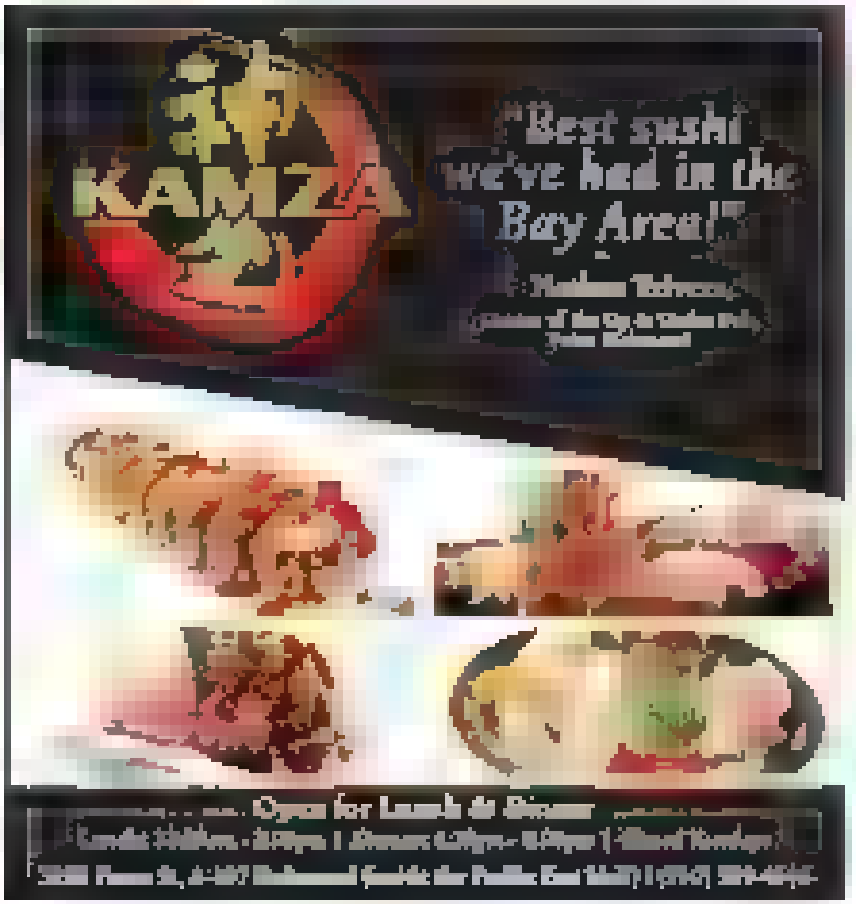
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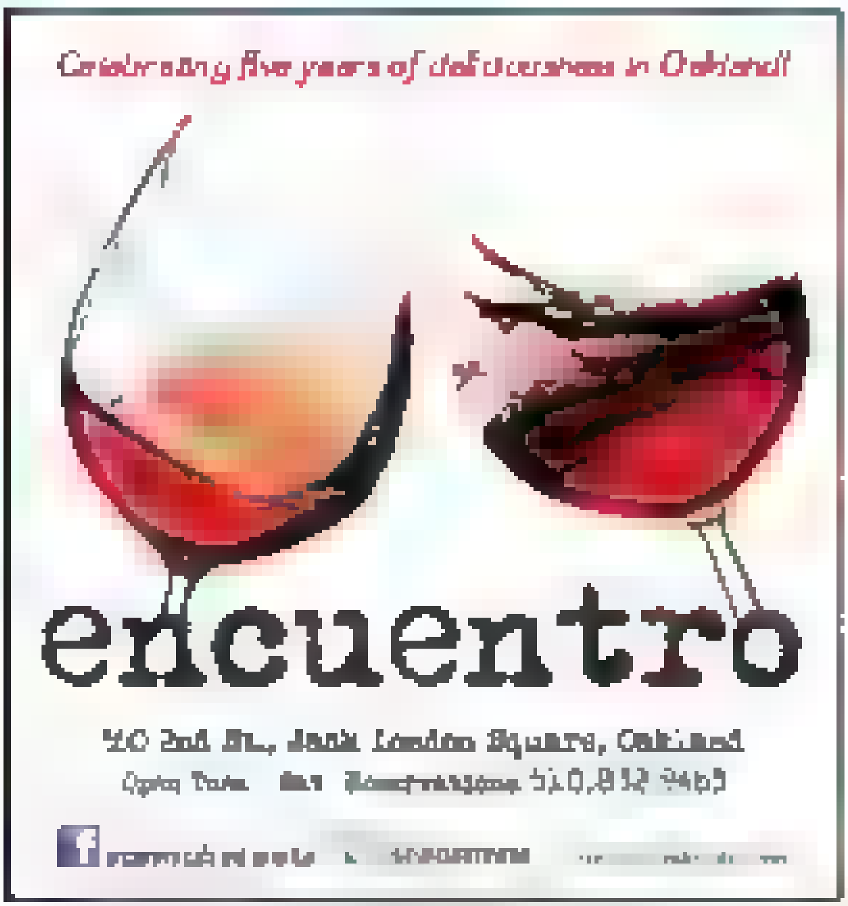

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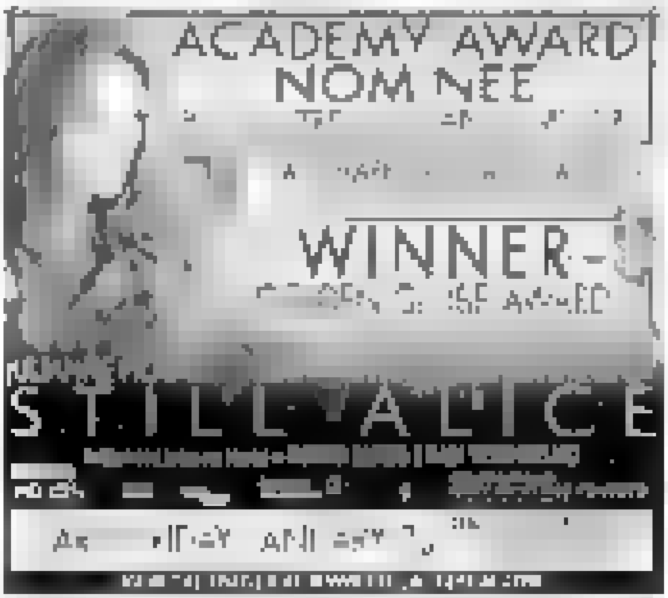
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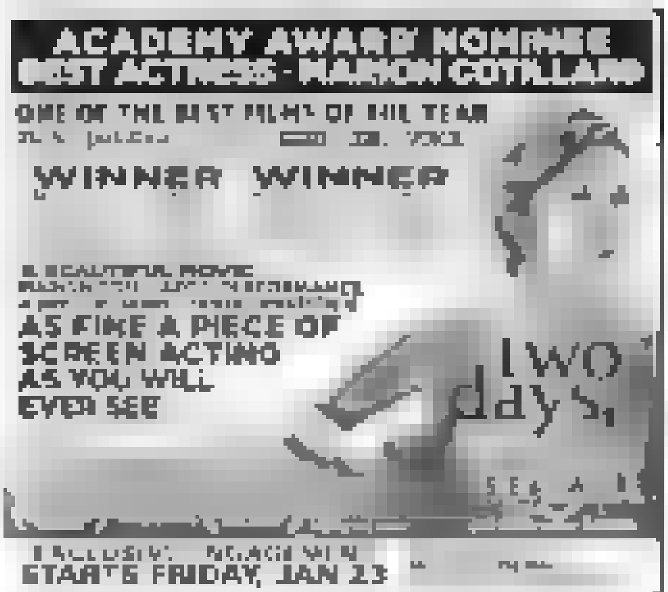
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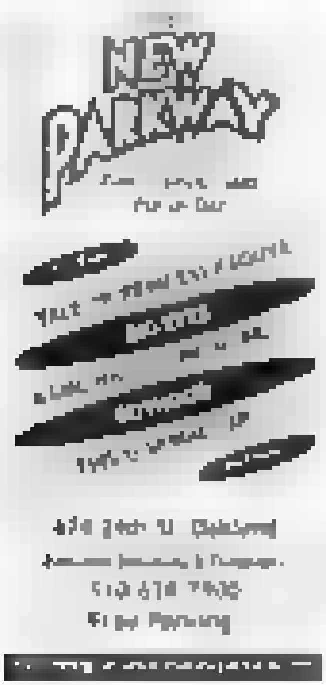
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ACADEMY AWARD NOMINEE
BEST ACTRESS · MARION COTILLARD
ONE OF THE BEST FILMS OF THE YEAR
WINNER WINNER
A BEAUTIFUL MOVIE
AS FINE A PIECE OF
SCREEN ACTING
AS YOU WILL
EVER SEE
TWO DAYS,
STARTS FRIDAY, JAN 23


THE STAKES ARE HIGH
"A VIBRANT CRIME STORY...
IT CAPTURES US AND DOESN'T LET GO"
"PULPY, MEATY, ALTOGETHER
TERRIFIC"
DYNAMITE
"A DRAMATIC DREAM TEAM"
"A BRILLIANT GANGSTER FILM"
"FEROCIOUS"
A MOST VIOLENT YEAR


NEW PARKWAY

ONE-NIGHT STANDS

SHATTUCK

AMERICAN SNIPER

SCENE

GRAND LAKE THEATRE

$5 TUESDAYS

AMERICAN SNIPER

THE IMITATION GAME

FOXCATCHER

Triple Description

By Sam Lefebvre



Show Details

Hella Material

By Sarah Burke

[illegible]



[illegible]



FOX
OAKLAND
MASTODON
APRIL
DIANA
KRALL
AUGUST 16
THE
DEVIL
MAKES
THREE
SATURDAY, JANUARY 31
LONDON
GRAMMAR
Saturday, February 7th
DR. DOG
FEBRUARY 12TH
IRATION
SAT, FEB 14TH
FRIDAY, FEBRUARY 27
THE NEW
PORNOG
RAPHERS
HOW TO DRESS WELL
NICK DIAMONDS
SATURDAY FEBRUARY 28





CONCERTS CLUBS

THURSDAY 22

All Ages

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

FRIDAY 23

Classical & Opera

Experimental & Avant-Garde

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

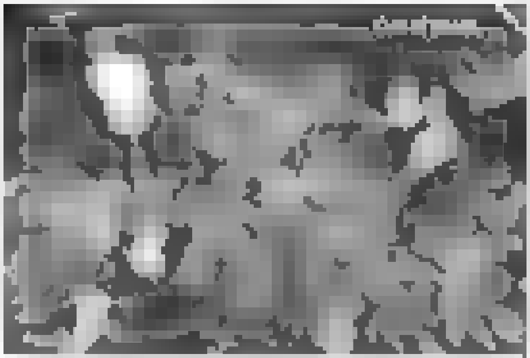
Rock & Pop

Soul, Funk, R&B, & Hip-Hop

More Listings Online

SATURDAY 24

All Ages



The Coup

Cult of Youth

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Classical & Opera

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

SUNDAY 25

All Ages

Blues, Folk, & Country

Classical & Opera

More Listings Online

Experimental & Avant-Garde

Gospel & Vocal

Jazz, Lounge, & Cabaret

Rock & Pop

World, Latin, Reggae, & Reggaeton

Blues, Folk, & Country

Classical & Opera

Gospel & Vocal

Jazz, Lounge, & Cabaret

Rock & Pop


THE DECEMBERISTS
GREEK THEATRE
AT UC BERKELEY
FRIDAY, MAY 1st
ON SALE FRIDAY


THE REGENCY BALLROOM
THE WARFIELD
clean bandit
DESAPARECIDOS
NOEL GALLAGHER'S HIGH FLYING BIRDS
SPANDAU BALLET

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

World, Latin, Reggae, & Reggaeton

MONDAY 26

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Soul, Funk, R&B, & Hip-Hop

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

TUESDAY 27

All Ages

Jazz, Lounge, & Cabaret

World, Latin, Reggae, & Reggaeton

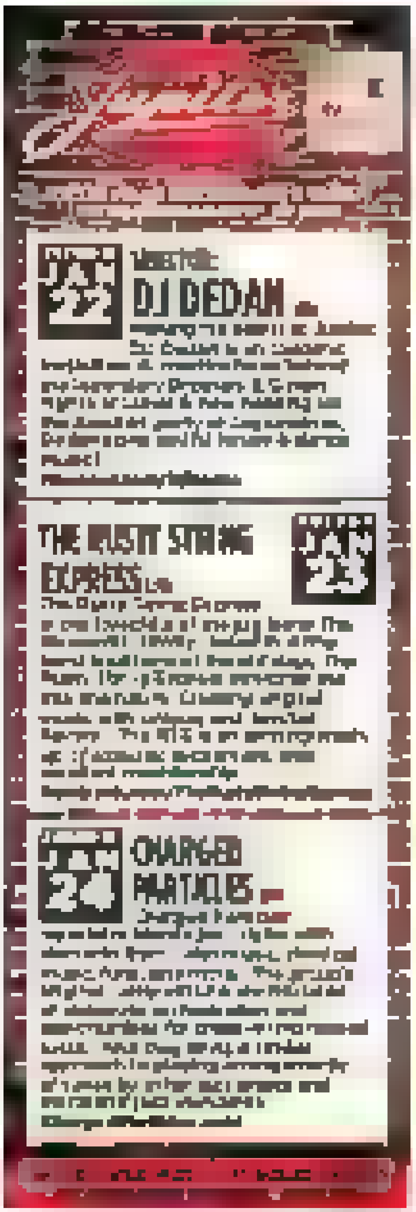
Blues, Folk, & Country

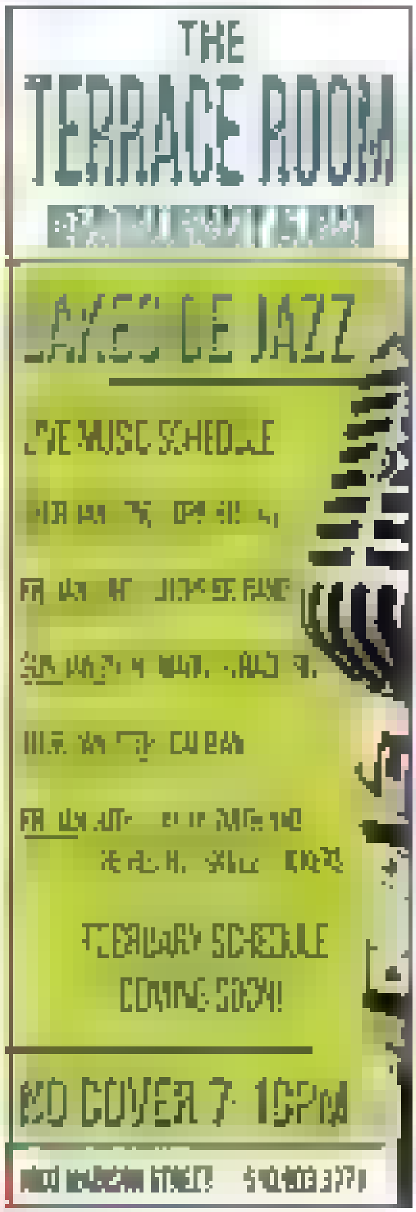
More Listings Online

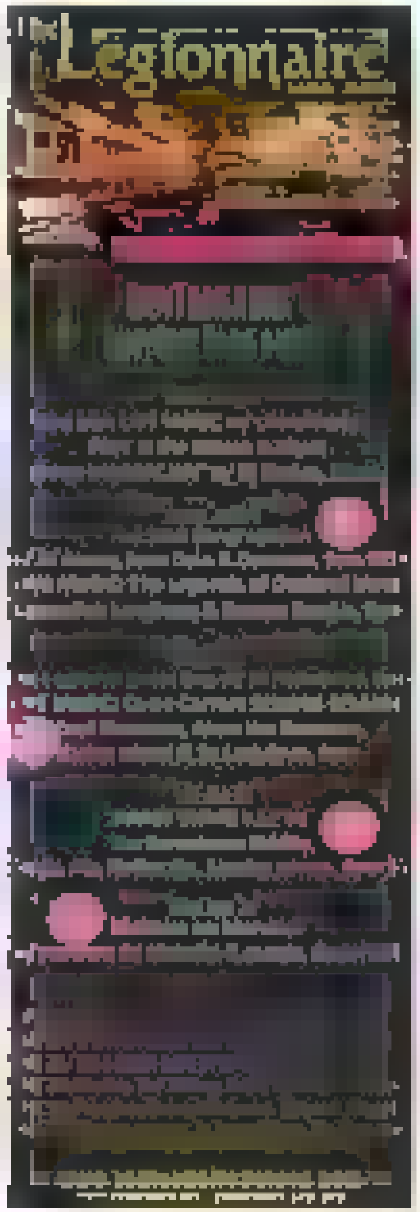
Experimental & Avant-Garde

Jazz, Lounge, & Cabaret

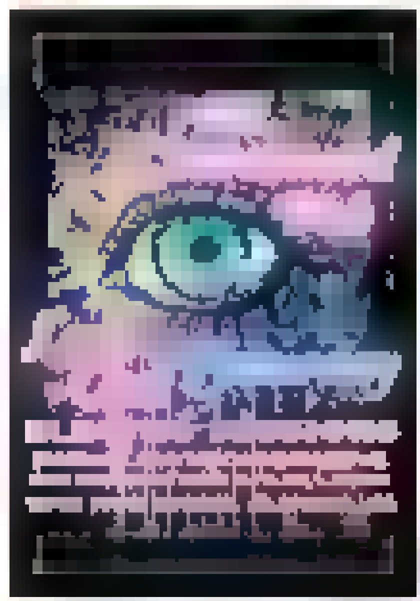
Rock & Pop











WEDNESDAY 28

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

World, Latin, Reggae, & Reggaeton

More Listings Online

Blues, Folk, & Country

Jazz, Lounge, & Cabaret

Rock & Pop

Soul, Funk, R&B, & Hip-Hop

VENUE DIRECTORY EAST BAY



DJ & DANCE

THURSDAY 22

FRIDAY 23

SATURDAY 24

SUNDAY 25

MONDAY 26

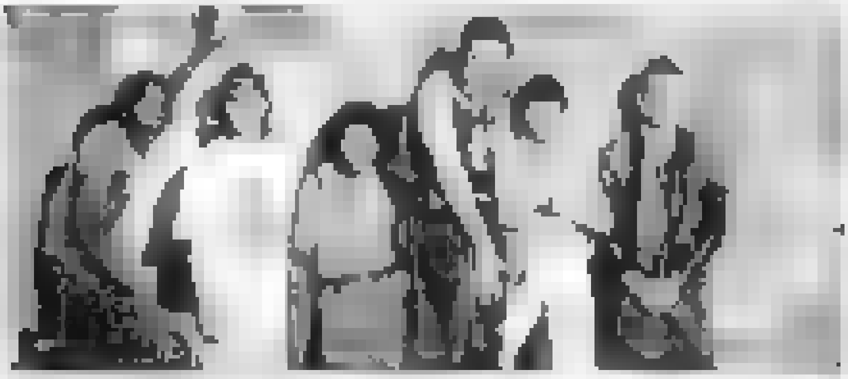
TUESDAY 27

WEDNESDAY 28



Th!s 2 Shall P@ss

By Anna Pulley



Dear Anna,

[illegible]

Dear PP,

[illegible]

Free Will Astrology

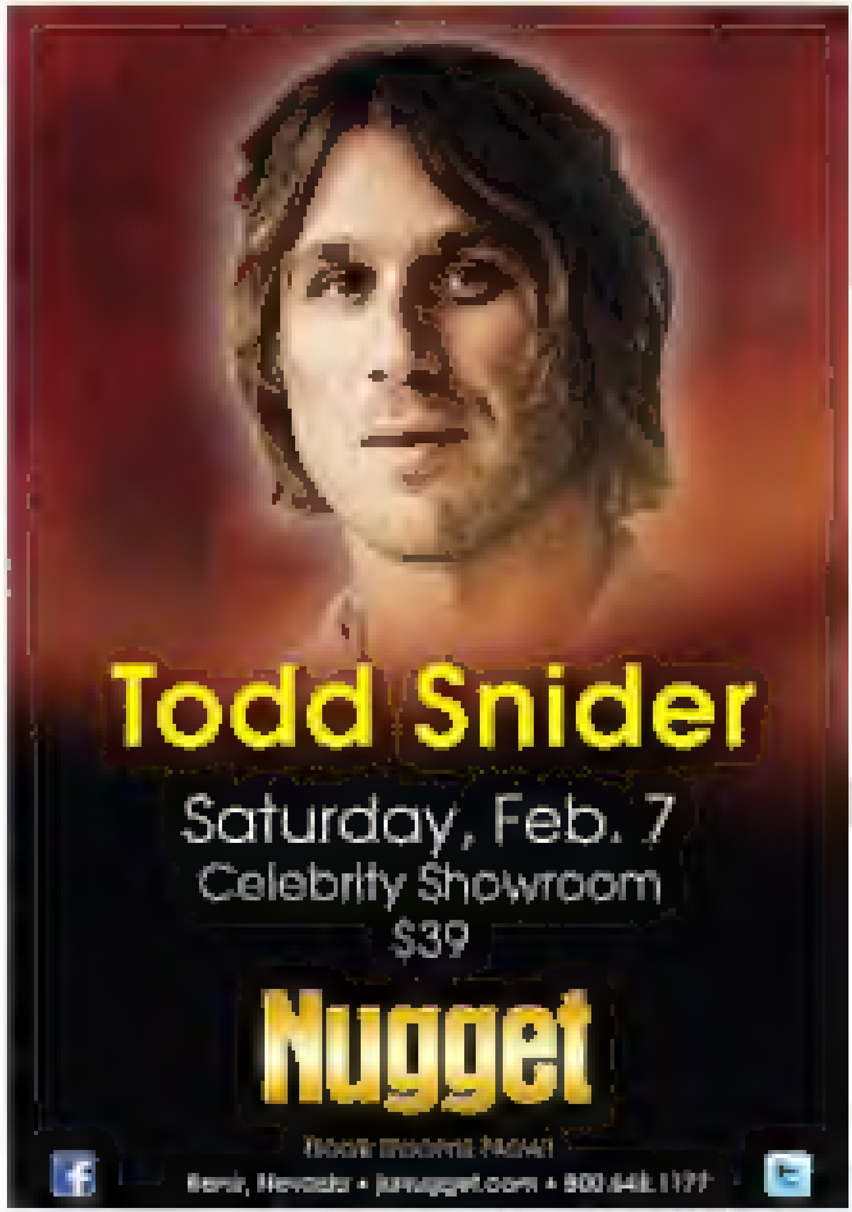


The Hunger

A monster of a fetish and the Tea and Sympathy rule.

By Dan Savage





EAST BAY EXPRESS

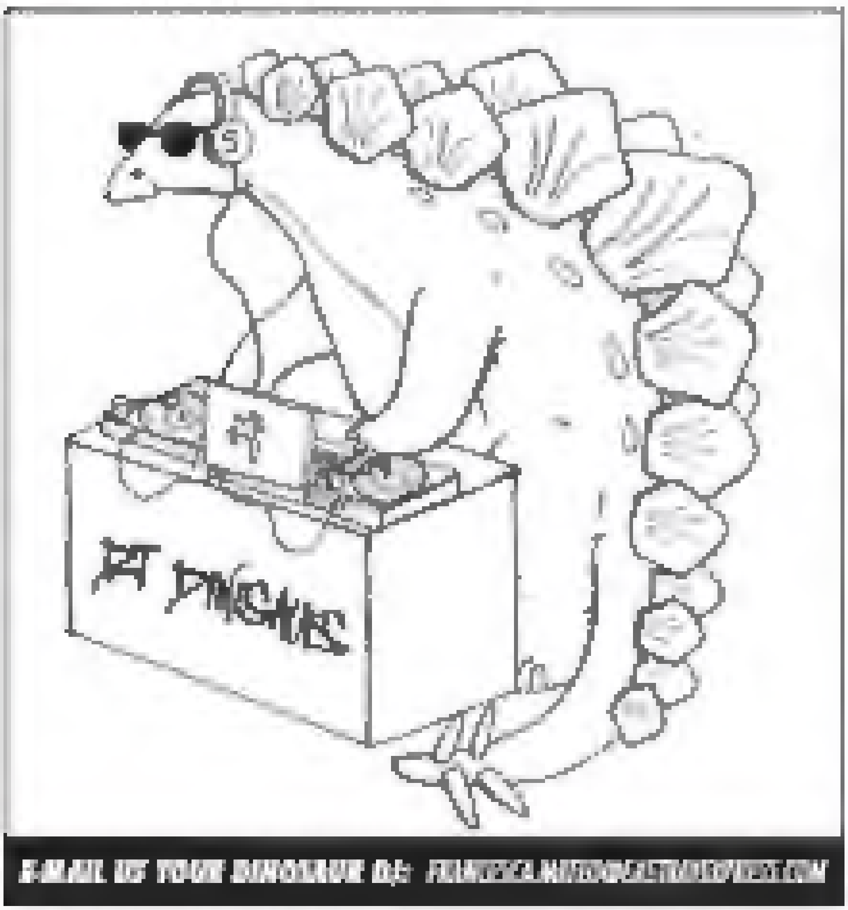
Classifieds

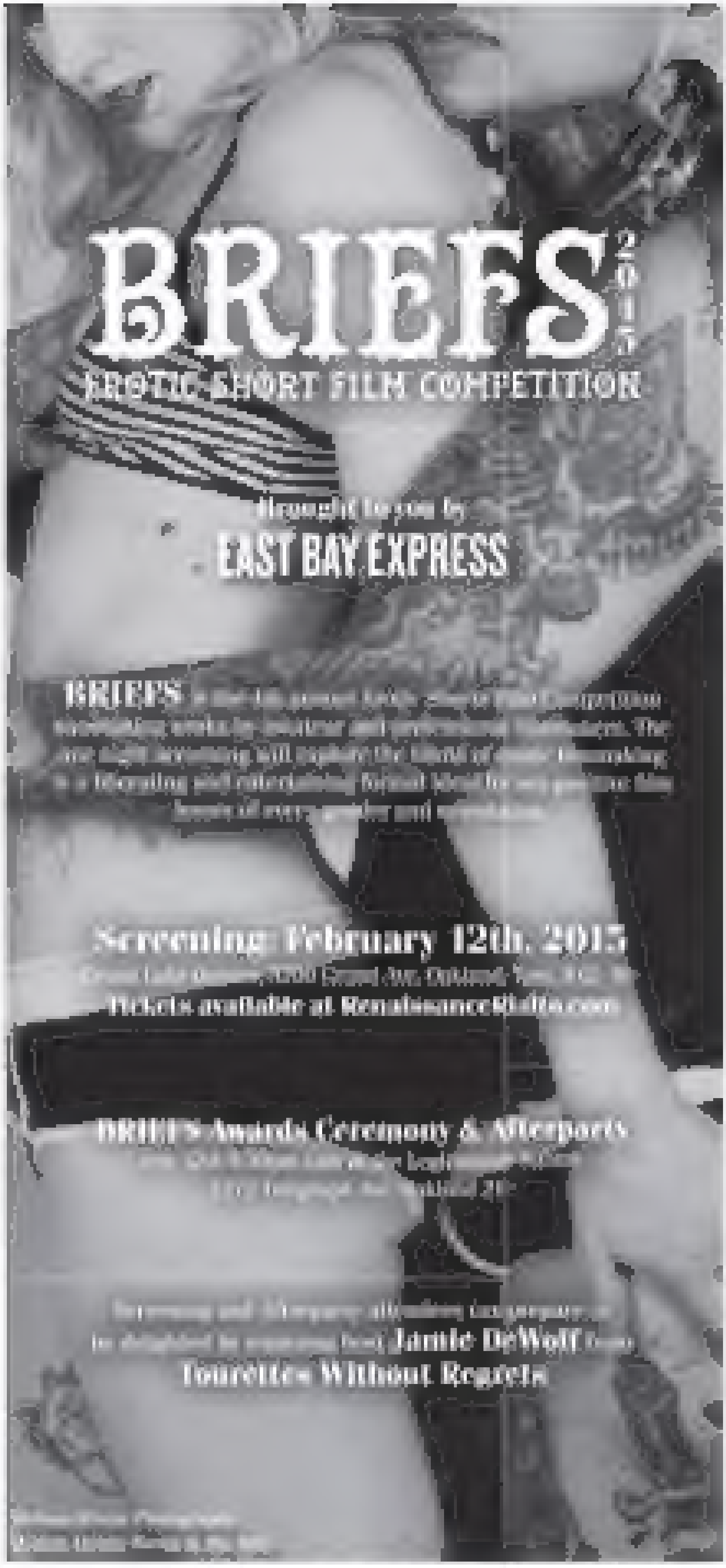
Contact Us:

Online:

Ad Deadline:


THE GHOST BELOW


DJ DINOSAURS
E-MAIL US YOUR DINOSAUR DJ:


BRIEFS 2015
EROTIC SHORT FILM COMPETITION
Brought to you by
EAST BAY EXPRESS
Screening: February 12th, 2015
BRIEFS Awards Ceremony & Afterparty
Jamie DeWolf



Bulletin Board

EAST BAY EXPRESS



